

Filed for intro on 02/01/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House Bill No.HB0207  
By Odom

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 5,  
to establish an identification program for delinquent child  
support obligors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 5, is amended by adding  
Sections 2 through 11, inclusive, of this act as a new, appropriately designated part.

SECTION 2. As used in this act, unless the context or subject matter otherwise  
requires:

- (1) "Child support enforcement agency" or "agency" means:
  - (A)
    - (i) the department of human services for all IV-D cases, as  
defined in this section; or
    - (ii) the appropriate court of this state; or
    - (iii) a private agency under contract with the department of  
human services or appropriate court to enforce support orders; and

(B) When the context requires, either the court or agency of any other jurisdiction with functions similar to those defined in this act, including the issuance and/or enforcement of support orders;

(2) “Child” means any child, whether above or below the age of majority, with respect to whom a support order exists;

(3) “Court” means any court in this state having subject matter jurisdiction to issue and/or enforce support orders and, when the context requires, means either the court or agency of any other jurisdiction with functions similar to those defined in this part, including the issuance and/or enforcement of support orders;

(4) “Department” means the department of human services;

(5) “Division” means the division of family assistance in the department of human services or such division’s child support services program;

(6) “Employer” or “payor” means any payor of income;

(7) “Income” means income as defined in § 36-5-501;

(8) “Income derived in this jurisdiction” means any income, the payor of which is subject to the jurisdiction of this state for the purpose of imposing and enforcing income withholding under part 5 of this chapter;

(9) “IV-D” refers to support cases handled and/or support services rendered by the department of human services pursuant to Title IV-D of the Social Security Act. Such services and/or cases are initiated either by virtue of the assignment of support rights to the state due to receipt of AFDC benefits, or by proper application by the custodial parent;

(10) “Jurisdiction” means any state or political subdivision, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(11) “Obligee” means any person or entity that is entitled to receive support under an order of support and shall include an agency of another jurisdiction to which a person has assigned such person’s right to support;

(12) “Obligor” means any person required to make payments under the terms of a support order for a child, spouse, or former spouse;

(13) “Safety rest area” means an area or site established and maintained within or adjacent to the right-of-way by or under public supervision or control, for the convenience of the traveling public, including the system of welcome centers maintained and supervised by the department of tourist development pursuant to the authority of Section 4-3-2204; and

(14) “Support order” means any order, decree or judgment for the support, or for the payment of arrearages on such support, of a child, spouse or former spouse, issued by a court or agency of another jurisdiction, whether interlocutory or final, whether or not prospectively or retroactively modifiable, whether incidental to a proceeding for divorce, judicial or legal separation, separate maintenance, paternity, guardianship, civil protection or otherwise.

### SECTION 3.

(a) The division of family assistance in the department of human services shall establish a program to increase child support collections by publishing and distributing a series of posters displaying child support obligors who are delinquent in their support payments. Each poster shall display photographs of, and information about, ten (10) obligors who are liable for support arrearages and whose whereabouts are unknown to child support enforcement agencies. Each poster shall list a toll-free telephone number for the division of family assistance that may be called to report information regarding the whereabouts of any of the obligors displayed on a poster. The division may include any other information on the poster that it considers appropriate.

(b) The division shall prominently display such posters in the various safety rest areas and welcome centers of this state. The division shall also establish procedures for the display of such posters in various state and regional offices of the department of human services in this state. Such posters may also be displayed in any other public or private building or area in this state, provided that the division has written permission from the public or private entity that administers such building or area to display such posters.

SECTION 4. Any child support enforcement agency that chooses to participate in the poster program established by Section 3 of this act may submit names of obligors that meet the criteria in Section 8 of this act to the division. The division shall select obligors to be displayed on a poster from the names submitted by the agencies.

SECTION 5. The division shall send notice to each obligor whose name was submitted to be displayed on the poster. The notice shall be sent by regular mail to the obligor's last known address and shall state that the obligor may avoid being included on the poster by doing all of the following within ninety (90) days after receipt of the notice:

- (1) Make a payment to the child support enforcement agency that is at least equal to the amount of support the obligor is required to pay each month under the support order;
- (2) Provide the agency with the obligor's current address;
- (3) Provide the agency with evidence from each of the obligor's current employers of the obligor's current wages, salary and other compensation; and
- (4) Provide the agency with evidence that the obligor has arranged for income withholding from the obligor's wages, salary or other compensation to pay support and for payment of arrearages.

SECTION 6. The child support enforcement agency shall determine whether any obligor whose name was submitted to be displayed on a poster has met all the conditions of Section 5 of this act. If it determines that an obligor has done so, it shall give the division notice of its

determination. On receipt of the notice from the agency, the division shall remove the obligor from the list of obligors submitted by that agency before making the final selection of obligors for the poster.

SECTION 7. The division shall publish and distribute the first set of posters to the various locations specified in Section 3(b) no later than October 1, 1995. The division shall publish and distribute subsequent sets of posters not less than twice annually.

SECTION 8. A child support enforcement agency may submit the name of a delinquent child support obligor to the division for inclusion on a poster only if all of the following apply:

- (1) The obligor is subject to a support order and there has been an attempt to enforce the order through a public notice, an income withholding order, a lien on property, a financial institution deduction order or other court-ordered procedures;
- (2) The department of human services has reviewed the obligor's records and confirms the child support enforcement agency's finding that the obligor's name and photograph may be submitted to be displayed on a poster;
- (3) The agency does not know or is unable to verify the obligor's whereabouts;
- (4) The obligor is not a recipient of aid to dependent children, general assistance, supplemental security income or food stamps;
- (5) The child support enforcement agency does not have evidence that the obligor has filed for protection under the federal Bankruptcy Code, 11 U.S.C.A., 101, as amended;
- (6) The obligee has given written authorization to the agency to display the obligor on a poster;
- (7) A legal representative of the agency and a child support services representative of the department have jointly reviewed the case; and

(8) The agency is able to submit to the department a description and photograph of the obligor, a statement of the possible locations of the obligor, and any other information required by the department.

SECTION 9. When the agency submits the name of an obligor to the division, it also shall submit the photograph and information described in Section 8(8) of this act. It shall not submit to the division the address of the obligee or any other personal information about the obligee.

SECTION 10.

(a) The department of human services is authorized to promulgate rules and regulations to effectuate the operation of the poster program created by this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

(b) Such rules and regulations shall prescribe the following:

(1) Criteria and procedures for the division to use in reviewing the names of obligors submitted by child support enforcement agencies to be displayed on a poster and selecting the delinquent obligors to be included on a poster;

(2) Procedures for providing the notice specified in Section 5 of this act;

(3) Procedures for the appropriate display of such posters at rest areas, welcome centers, state and regional offices of the department of human services and other public or private buildings or areas as provided for in Section 3(b); and

(4) Any other procedures necessary for the operation of the poster program.

SECTION 11. The division shall use funds appropriated by the general assembly for child support services to conduct the poster program created by this act.

SECTION 12. For the purpose of promulgating rules and regulations to effectuate the provisions of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1995.